United Nations S/PV.6595

Security Council

Sixty-sixth year

Provisional

6595th meeting

Thursday, 28 July 2011, 10.15 a.m.

New York

President:	Mr. Wittig	(Germany)
Members:	Bosnia and Herzegovina	Mr. Barbalić
	Brazil	Mrs. Viotti
	China	Mr. Wang Min
	Colombia	Mr. Alzate
	France	Mr. Araud
	Gabon	Mr. Messone
	India	Mr. Manjeev Singh Puri
	Lebanon	Mr. Salam
	Nigeria	Mr. Amieyeofori
	Portugal	Mr. Cabral
	Russian Federation	Mr. Pankin
	South Africa	Mr. Sangqu
	United Kingdom of Great Britain and Northern Ireland	Sir Mark Lyall Grant
	United States of America	Mrs. DiCarlo

Agenda

The situation in Libya

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room U-506.

11-43499 (E)

Please recycle

The meeting was called to order at 10.15 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Libya

The President: In accordance with rule 39 of the Council's provisional rules of procedure, I invite Mr. Lynn Pascoe, Under-Secretary-General for Political Affairs, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

I now give the floor to Mr. Pascoe.

Mr. Pascoe: As the fighting in Libya continues for the fifth month, there have been some marginal gains on the battlefield by the opposition forces, but no dramatic changes in the overall situation. The front lines remain in flux as opposition forces attempt to advance towards Tripoli, while Government forces target strategic cities and areas under opposition control. NATO operations continue, primarily against sites in and around Tripoli.

The Secretary-General's Special Envoy, Mr. Al-Khatib, briefed the Council two weeks ago on the proposed parallel approach he has made to Government officials in Tripoli and the Libyan Interim Transitional National Council representatives in Benghazi. At that time, both sides expressed their readiness to study the proposal and discuss it further. The proposal is designed to simultaneously establish a credible ceasefire and create an institutional mechanism for the management of the transition.

On 25 July, the Special Envoy travelled to Benghazi to continue discussions. During his meeting with the Transitional National Council, there was discussion of his proposal for the transition as well as other issues put forth by Council members. These members insisted they could not engage in talks for the establishment of a new transitional entity while the existing regime in Tripoli was in place. They emphasized that meeting the legitimate aspirations of the Libyan people had to be the aim of the negotiations, and this included the departure of Colonel Al-Qadhafi. While no conclusions were reached, the exchange was actually quite useful and constructive overall.

On 26 July, the Special Envoy went to Tripoli for talks with Libyan Prime Minister Al Baghdadi Ali Al-Mahmoudi. The Prime Minister reiterated the Libyan Government's position that it was not ready to engage in a political process that implied the stepping down of Colonel Al-Qadhafi. The Prime Minister raised various aspects related the implementation of resolutions 1970 (2011) and 1973 (2011), including their impact on Libya, and demanded that NATO stop its military actions prior to Libya's engagement in any process to implement the Security Council's resolutions. This posturing by both sides has been fairly consistent since the beginning of these discussions. Both sides are willing to talk, but they are still emphasizing maximum demands at this point, and patience is clearly required before detailed discussion can begin.

As we have said many times, a ceasefire tied to transitional arrangements that address the aspirations of the Libyan people is the only sustainable political solution to the crisis in Libya. The Secretary-General and his Special Envoy make this point in all our discussions with key interlocutors around the world.

From the outset, the United Nations has worked closely with all concerned parties in Libya, with regional organizations, including the African Union (AU), the League of Arab States and the Organization of Islamic Cooperation, and with the wider international community. I would like to note that Mr. Al-Khatib today is in Mauritania, where he had a good meeting with President Ould Abdel Aziz, the Chairman of the AU Ad Hoc High-level Committee on Libya. It remains critical that the international community speak with one voice, through the Secretary-General's Special Envoy, in order to bring about a political solution.

On 15 July, the fourth meeting of the Contact Group on Libya was held in Istanbul. The Chairperson's final statement recognized the Interim Transitional National Council as "the legitimate governing authority in Libya" until the establishment of an interim authority. The participants also expressed their full support for Special Envoy Al-Khatib to lead mediation efforts to resolve the Libyan crisis.

On 18 July, the African Union Ad Hoc High-level Committee on Libya convened a technical interactive meeting on Libya in Addis Ababa, to which the Transitional National Council, the Libyan Government

and the United Nations were invited. The Libyan Government sent a delegation to the meeting, while the Transitional National Council did not participate. The AU is planning for a second interactive session with the Transitional National Council, scheduled to take place in Addis Ababa in early August.

The Secretary-General has remained closely engaged in the search for a political solution. For example, on 22 July he spoke with President Zuma of South Africa on the way forward and on approaches that would tighten United Nations and African Union cooperation.

The number of people who have left Libya and have not returned since the start of the conflict is now estimated at over 630,000, including some 100,000 Libyans. Another 200,000 Libyans have been internally displaced. The number of people stranded at border points in Egypt, Tunisia and Niger has been reduced to about 2,600, mostly third-country nationals, some of whom are asylum seekers who cannot return to their homes. Additionally, around 22,000 people, mostly African migrants, have arrived by boat in Italy and Malta from Libya. At least 1,400 people have died during those journeys or are missing.

During my recent visit to Tunisia, I thanked the Government for Tunisia's generosity in hosting refugees. The Government raised the need for assistance to be directed not only to the refugees in camps, but also to the Tunisian families who are generously hosting Libyan refugees in their homes. The Office of the United Nations High Commissioner for Refugees and other United Nations entities are working on how best to help support the displaced in Tunisia, but additional support from the international community will be needed.

The Government of Libya has repeatedly complained about the shortage of medical supplies, vaccines and equipment. In addition, major fuel shortages are reported in Tripoli. Humanitarian aid and fuel are arriving regularly in opposition-controlled areas, although there are some shortages there too. The lack of fuel, of course, affects the movement of people and goods, electricity, water supply, employment, hospitals, agriculture and fisheries. We remain concerned about the risk of water services breaking down due to uncertain fuel supplies and to a lack of maintenance and spare parts.

The approach of the holy month of Ramadan has added greater urgency to the provision of supplies and meeting of humanitarian needs. Both the Libyan Government and the Transitional National Council have requested the use of frozen assets to meet humanitarian needs. The Secretary-General has forwarded these communications to the President of the Security Council.

The Special Adviser on post-conflict planning in Libya, Mr. Ian Martin, has continued preparatory work within the United Nations and with key partners on ways we can be helpful when the conflict has been resolved. The United Nations system-wide pre-assessment process to develop possible scenarios and areas where United Nations or other international support may be appropriate, if it is requested, is nearing completion. Cooperation within and outside the United Nations system on this process has been excellent. This effort will be invaluable if and when the United Nations is called upon to react quickly in a post-conflict Libya.

As we have told the Council, early contingency planning is being undertaken by the Department of Peacekeeping Operations for military and police roles that the United Nations may be asked to perform following a ceasefire. The Secretariat will be ready to discuss with the Libyan authorities and propose to the Council the most immediate priorities for United Nations assistance during a transition whenever political developments make this appropriate.

The Chair of the Libya sanctions Committee briefs the Council as necessary, pursuant to paragraph 24 (e) of resolution 1970 (2011). I would therefore simply note that the Panel of Experts appointed by the Secretary-General in accordance with paragraph 24 of resolution 1973 (2011) has begun its work in earnest. The Panel is mandated to gather, examine and analyse information from States, relevant United Nations bodies, regional organizations and other interested parties regarding the implementation of the measures decided in resolutions 1970 (2011) and 1973 (2011). In doing so, it has travelled to countries in Europe, North Africa and the Middle East. It has also visited Benghazi, Libya, and intends to visit Tripoli in the near future. The Panel will submit an interim report to the Committee no later than 10 August 2011.

Since the adoption of resolution 1973 (2011), the Secretary-General has received 43 communications

from more than 20 Member States and regional organizations and arrangements, informing him of actions with respect to the implementation of the resolution. The majority of these communications relate to paragraphs 4 and 8, and the rest relate to humanitarian exemptions under paragraph 7.

In my previous briefings to the Council, I provided updates on the letters addressed to the Secretary-General by the NATO Secretary-General conveying NATO's first and second monthly reports, weekly reports and technical updates. Since my last briefing, we have received the third and fourth monthly reports, dated 27 June and 20 July respectively, in addition to one technical update dated 11 July. All reports have been circulated to Security Council members.

The challenges posed by the crisis in Libya are serious ones, but we believe that they can be managed by staying closely involved, actively pursuing a negotiated solution and planning carefully to play a possible role, if asked, in the future.

The President: I thank Mr. Pascoe for his briefing.

Mr. Sangqu (South Africa): We thank Under-Secretary-General Lynn Pascoe for his comprehensive briefing on the situation in Libya.

It has been over four months since the adoption of resolution 1973 (2011) and the start of the military campaign in Libya. We should remind ourselves that the intention of resolution 1973 (2011) was to ensure the protection of civilians, and not regime change or the targeting of individuals.

Clearly, action focused on the military solution has not had its intended purpose. Instead, it has worked to destabilize the country even further, and therefore the long-term security and stability of Libya remain uncertain as the situation deteriorates, with more loss of civilian lives and massive destruction of infrastructure.

What is required is a commitment to full compliance with resolutions 1970 (2011) and 1973 (2011) in their entirety, in letter and spirit. This will include focusing our energies on finding a political solution to the crisis, as emphasized in paragraph 2 of resolution 1973 (2011), which stresses the need to intensify efforts aimed at a political outcome.

In further contributing towards a political solution, the seventeenth ordinary session of the Assembly of Heads of State and Government of the African Union (AU) was held in Malabo recently and endorsed a set of proposals for a framework agreement on a political solution to the crisis in Libya. The framework agreement, which is based on the AU road map and resolutions 1970 (2011) and 1973 (2011), reiterates Libyan leader Colonel Muammar Al-Qadhafi's commitment to an inclusive dialogue process, with the participation of the Interim Transitional National Council. This is all based on the agreement of Colonel Al-Qadhafi not to participate in the negotiations on the future of Libya.

Allow me to touch on the key elements of the framework agreement, which include, first, national dialogue. The Libyan parties commit to immediately start negotiations in accordance with paragraph 2 of resolution 1973 (2011) and the AU road map. That will address the following issues: an immediate suspension of hostilities, a humanitarian pause, a comprehensive ceasefire, national reconciliation, arrangements relating to the transition, and the agenda for democratic transformation. The national dialogue shall be held under the auspices of the AU Ad Hoc High-level Committee on Libya and the United Nations, through the Special Envoy of the Secretary-General, Mr. Al-Khatib, with the support of the League of Arab States, the Organization of Islamic Cooperation (OIC) and the European Union (EU).

Secondly, with respect to confidence-building and other combining measures, the parties will commit themselves to work towards healing and national reconciliation, including considering the establishment of a truth and reconciliation commission. The parties will commit themselves to requesting the Security Council to lift the freeze of Libyan assets, as provided for in resolutions 1970 (2011) and 1973 (2011), to the benefit of the interim Government.

Thirdly, the international community, represented by the AU, the United Nations, the League of Arab States, the OIC and the EU, commits itself to supporting the process and agreements reached among the Libyan stakeholders.

These proposals for a framework agreement have been submitted to the Government of Libya and to the Transitional National Council for their consideration. The AU has asked the Libyan parties "to demonstrate

the required political will and place the supreme interest of their country and people above any other consideration". It is thus imperative for them to commit to a political solution. The Council and the wider international community should impress upon them the necessity for such a political process.

We have noted the calls for Al-Qadhafi to go. We maintain that such statements do not bring us any closer to a political solution. We call on all parties to focus on genuinely assisting the Libyan parties to immediately begin a political dialogue in line with the AU road map, as elaborated in the framework agreement. It is only through a Libyan-led and owned political process that a decision on the future of Libya, including that of Colonel Al-Qadhafi, can be based. This is a Charter-given right that will reaffirm the sovereignty, independence, territorial integrity and national unity of Libya.

South Africa remains concerned about the implementation of resolutions 1970 (2011) and 1973 (2011). Taking sides in any internal conflict situation in an effort to institute regime change in Libya sets a dangerous precedent that will surely damage the credibility of the Council and its resolutions. We have also noted the call encouraging the unfreezing of Libyan assets. Unfreezing assets to support one side of the conflict would, in our view, be in violation of the sanctions regime and further complicate the situation.

The recent report of the Office for the Coordination of Humanitarian Affairs on the humanitarian situation in Libya provides a big picture, as has been confirmed by Mr. Pascoe. The report shows that there are significant shortages in water, fuel, spare parts, cash, medicine and other basic amenities. This situation is ever more worrying in light of the approaching month of Ramadan.

Given this dire humanitarian situation, we echo the AU's demand for

> "an immediate pause in the fighting and in NATO-led bombings, to provide respite to the civilian population, alleviate its suffering and make it possible to deliver the much needed humanitarian assistance to all those in need".

In conclusion, we call on all of the parties to put aside their differences and begin negotiations without preconditions with a view to finding a sustainable political solution that will fulfil the aspirations of the Libyan people. It is our responsibility as the international community to assist the parties in this quest.

The President: There are no further speakers inscribed on my list. I now invite members to informal consultations to continue our discussion on this subject.

The meeting rose at 10.30 a.m.